

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

RE: CLAIMS 1-21

Claims 1, 3-15 and 17-21 have been amended only to make some minor clarifying amendments so as to more clearly recite the features of the present invention in better U.S. form.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

It is respectfully submitted, moreover, that the amendments to these claims are not related to patentability, and do not narrow the scope of the claims either literally or under the doctrine of equivalents.

RE: CLAIMS 22-27 (ALLOWABLE SUBJECT MATTER)

The Examiner's indication of the allowability of the subject matter of claims 6, 13 and 20 is respectfully acknowledged.

New independent claims 22, 24 and 26 correspond respectively to allowable claims 6, 13 and 20 rewritten in independent form (with some minor clarifying amendments).

And new claims 23, 25 and 27 correspond respectively to claims 7, 14 and 21 depending from claims 22, 24 and 26.

No new matter has been added, and no new issues with respect to patentability have been raised.

Accordingly, it is respectfully requested that the amendments to the claims be approved and entered, and it is respectfully submitted that amended independent claims 22, 24 and 26 and claims 23, 25 and 27 respectively depending therefrom are all in condition for immediate allowance.

RE: CLAIM 28

New independent claim 28 recites an apparatus for microscopic time lapse imaging, comprising: a camera unit, including an imager, attached to a microscope; a presenting portion for presenting information; and an operation controller configured to control operation of the camera unit based on conditions, including at least an exposure time and an interval time, inputted by a user; wherein the controller judges a relationship between the exposure time and the interval time, and controls the presenting portion to present an error dialog when the relationship does not satisfy a predetermined condition; and wherein the error dialog includes an error avoiding condition which includes changing a gain in the imager.

It is respectfully submitted that new independent claim 28 is clearly supported by the disclosure throughout the specification and drawings, and that no new matter has been

added. Accordingly, it is respectfully requested that new claim 28 also be approved and entered.

CLAIM FEE

The application was originally filed with 21 claims of which 3 were independent, and the appropriate claim fee was paid for such claims. The application now contains 28 claims, of which 7 are independent. Accordingly, a claim fee in the amount of \$1190.00 for the addition of 4 extra independent claims and 7 extra claims in total is attached hereto. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Account No. 06-1378.

THE PRIOR ART REJECTION

Claims 1, 7, 8, 14, 15 and 21 were rejected under 35 USC 102 as being anticipated by USP 4,519,692 ("Michalik"); claims 2, 9 and 16 were rejected under 35 USC 103 as being obvious in view of the combination of Michalik and USP 5,196,938 ("Blessinger"); and claims 3-5, 10-12 and 17-19 in view of the combination of Michalik, Belssinger and US 2003/0197795 ("Schinner"). These rejections, however, are respectfully traversed.

As recognized by the Examiner, Michalik discloses an exposure control device of a camera of a microscope.

However, although the Examiner cites element 40 as disclosed at column 20, lines 46-55 of Michalik with respect to independent claims 1, 8 and 15, Michalik does not disclose determining a contradiction of the time lapse imaging condition set by the time lapse imaging condition setting portion according to a predetermined criterion. Rather, even as interpreted by the Examiner, Michalik merely discloses performing a disclosure when a lapse time ends. And it is respectfully pointed out that there is no "contradiction" in a condition in which lapse time expires and exposure proceeds.

With respect to claims 2, 9 and 16, the Examiner has cited Blessinger. Blessinger discloses that a recorder cannot operate if the product of the frame rate and the exposure time is greater than 1. However, while Blessinger discloses an operable relationship between frame rate and exposure time, Blessinger does not disclose determining a contradiction of a time lapse imaging condition by using a relation between the exposure time and the imaging interval as a predetermined criterion. In this connection, it is noted that frame rate is a value indicating the number of frames per second, while the interval time is typically a value represented in the unit "seconds." Accordingly, it is respectfully submitted that claims 2, 9 and 16 are not obvious in view of the combination of Blesinger and Michalik.

With respect to new independent claim 28, as explained above, Michalik does not disclose determining a contradiction as recited in independent claims 1, 8 and 15, and it is respectfully submitted that Michalik clearly does not disclose a controller judges a relationship between the exposure time and the interval time, and controls a presenting portion to present an error dialog when the relationship does not satisfy a predetermined condition, wherein the error dialog includes an error avoiding condition which includes changing a gain in the imager.

In addition, with respect to Blessinger, it is respectfully submitted that this reference does not disclose determining a relationship between the exposure time and interval time (i.e., in terms of length of time), and it is respectfully submitted that Blessinger does not disclose, teach or suggest the features of the present invention recited in new independent claim 28.

Still further, Schinner, which has been cited with respect to claims 3-5, 10-12 and 17-19, also does not disclose, teach or suggest the features of the present invention recited in any of independent claims 1, 8, 15 and 28.

Accordingly, it is respectfully submitted that even if Michalik, Blessinger and Schinner were combinable as suggested by the Examiner, the features recited in independent claims 1, 8, 15 and 28 would still not be achieved or rendered obvious.

In view of the foregoing, it is respectfully submitted that amended independent claims 1, 8 and 15, claims 2-7, 9-14 and 16-21 respectively depending therefrom, and new independent claim 28, all clearly patentably distinguish over Michalik, Blessinger and Schinner, taken singly or in combination, under 35 USC 102 as well as under 35 USC 103, along with allowable claims 22-27.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

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